INTERNAL AFFAIRS BUREAU
SHOOTING REVIEW SUMMARY
SH2341381

UNIT:	**East Los Angeles Sheriff's Station** **Central Patrol Division**
DATE:	**September 10, 2013, Sunday**
TIME:	**0130 hours**
LOCATION:	**Almanza Avenue / Hazard Avenue, Los Angeles**
URN #:	**013-11148-0272-013**
IAB #:	**SH2341381**

On September 10, 2012, Sergeant Trent Denison, Sergeant Richard Martinez and Sergeant Jose J. Garcia of the Internal Affairs Bureau responded to the Command Post, located at 4100 City Terrace Drive, Los Angeles. This was in regards to a deputy involved hit shooting, where the suspect was struck by deputies' gunfire. East Los Angeles Station Deputy Nicolas Castellanos #[redacted] and COPS Bureau Deputy Anthony Forlano were involved in the shooting with Suspect Carlos Oliva-Sola.

Deputies Castellanos and Forlano were assigned to Unit 22, a two person patrol car on the EM shift, in East Los Angeles. Deputy Forlano was assigned to fill in a vacancy at East Los Angeles Station on overtime. Deputy Forlano was the driver and Deputy Castellanos was the bookman.

At approximately 0115 hours Deputies Forlano and Castellanos [redacted]. They assisted in searching the area for a woman screaming.

As they searched the area, Unit 24 (Deputies Nikki Hanamaikai #[redacted] and Luis Granados #[redacted]) advised via Sheriff's radio L-Tac frequency that they contacted a resident in the area who saw a male Hispanic, 20 years of age riding a skateboard. The male was seen carrying a handgun in his hand.

Unit 24, Unit 23 (Deputies Edwardo Sanchez #[redacted] and John Sandoval #[redacted]) as well as Unit 22 began to search the area for the male with a gun.

During their search, units 24 (Deputies Nikki Hanamaikai #[redacted] and Luis Granados #[redacted]) and Unit 23 (Deputies Edwardo Sanchez #[redacted] and John Sandoval #[redacted]) advised that they heard a gunshot in the vicinity of Hazard Avenue and Ramboz Drive. Unit 22 did not hear the gunshot in the area.

Unit 23 directed Deputies Forlano and Castellanos to search the area of Hazard Avenue and Ramboz Drive for the male with the gun.

Deputies Forlano and Castellanos traveled southbound Hazard Avenue past Ramboz Drive and turned onto eastbound Almanza Avenue.

As Deputies Forlano and Castellanos turned onto Almanza Avenue, the two deputies saw a male Hispanic (Suspect Carlos Oliva-Sola) walking westbound Almanza Avenue on the north sidewalk. Suspect Oliva-Sola was carrying a skateboard in his left hand and a telephone in his right hand. He matched the description given by Unit 23 of the male Hispanic with the gun. Deputy Castellanos communicated to Deputy Forlano that the suspect matched the description of the male with a gun.

Deputy Forlano stopped the radio car approximately 6 - 8 feet from the north curb line, facing east, opened his door and simultaneously drew his handgun. He pointed it at Suspect Oliva-Sola, ordered him to raise his hands and to drop the skateboard.

The suspect ignored the command and continued to walk westbound closing the distance between he and the radio car.

Deputies Forlano and Castellanos attempted to detain the suspect at gunpoint from their open radio car doors. The deputies repeatedly ordered the suspect to raise his hands and drop the skateboard but the suspect ignored the command and continued to close the distance with Deputy Forlano, who was closest to the sidewalk.

The deputies holstered their handguns and each grabbed the suspect by an arm. Deputy Forlano grabbed the left arm and Deputy Castellanos grabbed the right arm. A struggle ensued as the suspect resisted the deputies' grasp. The struggle became more intense and more violent as the suspect bent his torso down as if to crouch down. The suspect reached toward his waistband area with his hands.

During the struggle, Deputy Forlano felt a handgun in the suspect's right front pants' pocket and yelled out, "Gun. He's got a gun."

Deputy Forlano grabbed his handheld radio in order to broadcast emergency traffic while holding the suspect's arm with his left hand but the suspect pulled away from Deputy Forlano's grasp. Simultaneously, Deputy Castellanos saw the suspect reach into his right front pants pocket with his right hand and grab an object in a fist. Deputy Castellanos held the suspect's right hand in place and felt the suspect holding a handgun in his pocket.

The suspect was pulling the gun out of his pocket and Deputy Castellanos twisted and spun away from the suspect, creating distance between he and the suspect.

Deputy Forlano also pushed the suspect away in order to create distance from him and drew his handgun.

Deputy Forlano was in a fear for his and Deputy Castellanos' safety and believed the suspect was going to fire his gun at them.

Deputy Forlano fired 3 times from his handgun at the suspect. The suspect ran eastbound Almanza Avenue from the deputies. As the suspect ran, he turned back toward Deputy Castellanos and reached for his waistband.

Having felt a gun in the suspect's pants' pocket, Deputy Castellanos was in fear for his safety and believed the suspect was going to fire his gun at him. Deputy Castellanos fired 2 times with his handgun at the suspect from a distance of approximately 30-40 feet.

The deputies followed the suspect on foot eastbound Almanza Avenue. Deputy Forlano ran on the south sidewalk and Deputy Castellanos ran on the street, alongside of the vehicles parked on the south side of Almanza Avenue. The deputies broadcasted via Sheriff's emergency frequency their involvement in a shooting with the suspect. The deputies did not try to close the distance with the armed suspect but only kept a visual of him for containment purposes.

The suspect continued to run eastbound Almanza Avenue and turned southbound Miller Avenue where he collapsed on the ground. Deputies Forlano and Castellanos requested rescue via Sheriff's radio to the location for the suspect.

Deputies Forlano and Castellanos detained the suspect at gunpoint until assisting units arrived and handcuffed the suspect.

Suspect Oliva-Sola sustained 4 gunshot wounds as a result of the shooting and succumbed to his wounds. He was pronounced dead at the location by Los Angeles County Fire personnel.

> **IAB Note:** Internal Affairs Bureau Sergeant Trent Denison contacted Watch Commander, Lieutenant Joshua Bardon #[redacted] to ensure reasonable steps were taken to see that the involved personnel and/or any potential witnesses did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators. In addition, Internal Affairs Bureau Sergeant Trent Denison ensured that the Watch Commander attempt to have involved and witness personnel gather in the company of a supervisor (Watch Sergeant Raymond Lam #[redacted]) until they have provided a statement to the assigned investigators.

> **IAB Note:** The summary of this incident is based on physical evidence collected and cataloged at the scene by Los Angeles County Sheriff's Department Scientific Services/Crime Lab personnel, Internal Affairs Bureau Investigators' observations, as well as information obtained from the original crime report, supplemental reports, along with interviews of the involved employees and suspects. For further details regarding these documents, refer to **Exhibit A, Homicide Investigation.**

> **IAB Note:** A diagram of the crime scene was included in the Homicide Bureau investigation. For further details regarding the positioning of vehicles, evidence and measurements of crime scene, refer to **Exhibit B, Crime Scene sketch.**

> **IAB Note:** Witness [redacted] provided a cellular telephone video she recorded of the incident. For further details regarding this video, refer to **Exhibit C, Cellular Telephone Video.**

INVOLVED PERSONNEL:

Tony Forlano: - Deputy Sheriff, #[redacted]
Countywide Services Division

INTERNAL AFFAIRS BUREAU
SHOOTING REVIEW SUMMARY

Community Oriented Policing Services

EMPLOYEE WORK HISTORY:

Tony Forlano:

Date of Employment:	November 8, 1994	
Date Assigned to Patrol:	[redacted]	
Date Completed Patrol Training:	[redacted]	
Prior Shootings:	October 10, 2002	SH2073688
	February 12, 2004	SH2108994
	November 12, 2004	SH2128169
	November 23, 2004	SH2133512
	August 1, 2008	SH2225261
	February 14, 2011	SH2282402

Nicolas Castellanos III - Deputy Sheriff, #[redacted]
Central Patrol Division
East Los Angeles Sheriff's Station

EMPLOYEE WORK HISTORY:

Nicolas Castellanos III:

Date of Employment:	September 11, 2000	
Date Assigned to Patrol:	[redacted]	
Date Completed Patrol Training:	[redacted]	
Prior Shootings:	August 1, 2009	SH2247918

SUSPECT:

Carlos Oliva-Sola: MH/26

[redacted],

CII #[redacted] Main #[redacted]
FBI #[redacted]

INTERNAL AFFAIRS BUREAU
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CRIMINAL HISTORY:

Suspect Carlos Oliva-Sola **Criminal History** consists of the following convictions:


[redacted]

IAB Note: For further details regarding Carlos Oliva-Sola's criminal history, refer to **Exhibit A, Criminal Case, Page 108 through 127.**

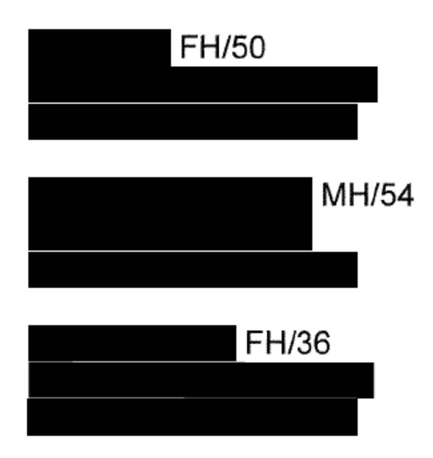
EMPLOYEE WITNESSES:

None

CIVILIAN WITNESSES:

Seven witnesses were interviewed by Homicide Bureau investigators following this incident. Each interview was audio recorded. Each statement was summarized in the Homicide Bureau investigation.

The following are the witnesses:


[redacted] FH/50
[redacted]

[redacted] MH/54
[redacted]

[redacted] FH/36
[redacted]

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[redacted] MH/36
[redacted]

[redacted] FH/17
[redacted]

[redacted] FH/16
[redacted]

[redacted] MH/33
[redacted]

<u>IAB Note:</u> For further details regarding the statements made by the above witnesses, refer to **Exhibit A, Homicide Investigation, pages 47 – 53.**

<u>IAB Note:</u> For further details regarding statements made by witnesses, refer to **Exhibit C Video Footage from Cellular Telephone by** [redacted] **and Exhibit E, Compact Discs (3) containing audio interviews by Homicide Bureau.**

<u>INJURIES:</u>

Suspect Carlos Oliva-Sola sustained 4 gunshots during the incident. The following gunshots were observed during the autopsy:

Gunshot Wound 1, to the suspect's right lateral torso.

Gunshot Wound 2, to the suspect's left lower back.

Gunshot Wound 3, to the suspect's right buttock.

Gunshot Wound 4, to the suspect's left upper hip.

Deputy personnel were not injured during this incident.

> **IAB Note:** For further detail regarding the above injuries, refer to **Exhibit A, Page 81 - 95 Department of the Coroner Autopsy report.**

PHYSICAL EVIDENCE:

Cellular Telephone Video:
Witness [redacted] video recorded through a window at her home and captured mainly a partial audio recording of the incident. For further details regarding the video footage, refer to **Exhibit C, Cellular Telephone Footage.**

Gunshot Residue Kit:
A Gunshot Residue Test was administered on Suspect Oliva-Sola at the scene of the incident by Sheriff's Crime Scene investigator Selena Barros #[redacted]. The results of this test revealed the presence of gunshot residue particles on the suspect's hands. For further details regarding this examination, refer to **Exhibit A, Page 106.**

Biological Evidence (Deoxyribonucleic Acid) DNA:
A DNA Sample was taken from Suspect Oliva-Sola during this investigation. Deputies Forlano and Castellanos provided a DNA sample to Sheriff's Crime Scene investigators which were examined by criminalist Kirsten Fraser.

These DNA samples were examined and compared with samples extracted from the handgun (Bersa, Model 383, Serial #[redacted]) recovered at the scene.

A DNA profile was extracted from the trigger of the Bersa handgun. Suspect Oliva-Sola was included as a source of this profile. Deputies Forlano and Castellanos' DNA profiles were excluded as a possible source of the sample. For further details regarding this test, refer to **Exhibit A, Scientific Services Bureau Biological Examination Report, pages 69-71.**

Laboratory Analysis of Blood Alcohol Content (Autopsy):
Los Angeles County Coroner's Office, Forensic Science Laboratories analyzed Suspect Oliva-Sola's Blood content during an autopsy (Coroner's Case #2013-06355).

The analysis of Suspect Oliva-Sola's blood content revealed 0.08 grams of Alcohol or .08% of alcohol in his body and 49 milliliters of tetrahydrocannabinol (THC) in his body. For further details regarding the analysis, refer to **Exhibit A, Los Angeles County Coroner's Laboratory Analysis Report, page 96.**

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Anthony Forlano:

Department–Issued Beretta 92FS, 9mm caliber, serial #BER[redacted]: 3 rounds of duty issued 9mm caliber ammunition fired.

Deputy Forlano carried his firearm with one live round chambered and 15 live rounds in the magazine, seated in the well.

Following the shooting, one live 9mm caliber round was chambered and 12 live rounds were in the magazine seated in the well. Deputy Forlano's was approximately 6-8 feet from the suspect when he fired his rounds. For further details regarding Deputy Forlano's' firearm, refer to **Exhibit A, Criminal Investigation, page 74-75,** the Crime Lab examination of Deputy Forlano's firearm.

Deputy Nicolas Castellanos:

Department–Issued Beretta 92FS, 9mm caliber, serial #BER[redacted]Z: 2 rounds of duty issued 9mm caliber ammunition fired.

Deputy Castellanos carried his firearm with one live round chambered and 15 live rounds in the magazine, seated in the well. Following the shooting, one live 9mm caliber round was chambered and 13 live rounds were in the magazine seated in the well. Deputy Castellanos was approximately 20-30 feet from the suspect when he fired his rounds. For further details regarding Deputy Castellanos' firearm, refer to **Exhibit A, Scientific Services Bureau's examination of Deputy Castellanos' firearm page 74-75.**

WEAPONS USED BY SUSPECT:

Handgun: Bersa, Model 383, 380 caliber, Semi-automatic handgun, Serial #[redacted], loaded with several live rounds in the magazine and one live round in the chamber.

For further details regarding suspect Oliva-Sola's firearm, refer to **Exhibit A, Criminal Exhibit A, Scientific Services Bureau's examination of Suspect Oliva-Sola's firearm page 74-75.**

PROPERTY DAMAGE:

Vehicle, Ford F150, truck, Black, CA License #[redacted]: The Ford was parked along the south curb of Almanza Avenue, [redacted] east of Hazard Avenue. The Ford was damaged on the right rear quarter panel (Truck bed) by bullet.

Vehicle, Honda Civic, Blue, CA License #[redacted]: The Honda was parked along the east curb of Miller Avenue, [redacted] from hazard Avenue. The Honda was damaged by a bullet that struck the left rear passenger window.

> **IAB Note:** For further details regarding the damage to both vehicles, refer to **Exhibit A, page 57-58.**

CRIMINAL CHARGES FILED:

None (Suspect Deceased)

LIGHTING AND WEATHER CONDITIONS:

Incident occurred during night time with clear weather. The area was illuminated by street lights.

INVOLVED EMPLOYEE STATEMENTS:

Anthony Forlano:

Anthony Forlano, Deputy #[redacted], Community Oriented Policing Services Bureau, was interviewed on June 30, 2014 by Sergeant Jose J. Garcia and Sergeant Mark Lopez of the Internal Affairs Bureau. Deputy Forlano was represented by Mitchell Kander of Green & Shine. The interview was conducted at the Internal Affairs Bureau and it was audio recorded. The following is a summary of the interview:

Deputy Forlano said he was assigned to the COPS Bureau and was offered to work overtime at East Los Angeles Station in a two man crime car.

He was assigned to work Unit 22 on Early Morning Shift with Deputy Castellanos. He said he was the driver in a marked Sheriff's car and Deputy Castellanos was the bookman.

At approximately 0115 hours, they [redacted] in the area of the [redacted] block of Bonnie Beach Place. As they responded, they approached from the area of City Terrace Avenue and Hazard Avenue, at which time they were advised by another assisting unit that they were contacted by an informant of a man with a gun.

The informant described the man with a gun as a male Hispanic, 20 years old, wearing a gray shirt. He was seen in the area of John F. Kennedy School riding a skateboard and carrying a handgun.

Moments later assisting units advised that they heard a gunshot in the area by the school. Unit 23 directed Deputies Forlano and Castellanos to check the area of Hazard Avenue and Almanza Avenue.

Deputies Forlano and Castellanos traveled southbound Hazard Avenue approaching Almanza Avenue and turned eastbound Almanza Avenue from Hazard Avenue.

Deputy Forlano drove approximately [redacted] east of Hazard Avenue when he saw a male (Suspect Oliva-Sola) walking westbound on the north sidewalk of Almanza Avenue, approaching Hazard Avenue. The suspect matched the description of the man with a gun, as he wore a gray shirt and was carrying a skateboard in one hand an unknown black object in the other hand.

Deputy Forlano said he did not know what the black object was in the suspect's hand but believed it was not a handgun.

Deputy Forlano immediately stopped the radio car, opened his door and pointed his handgun at the suspect. He and Deputy Castellanos yelled commands at the suspect to drop his skateboard and hold his hands up.

The suspect looked in the direction of the deputies. He ignored the deputies' commands and continued to walk west closing the distance with the radio car.

Deputy Forlano repeated his commands to the suspect but the suspect ignored the commands and closed the distance between them.

Due to the fact that the suspect was not complying with the deputies' commands, Deputy Forlano holstered his handgun and approached the suspect in order to physically detain him.

Deputy Forlano grabbed the suspect's left arm with both hands as Deputy Castellanos also approached the suspect and grabbed the suspect's right arm. The contact with the suspect took place on the sidewalk curb line area, just north of the radio car.

The suspect began to struggle violently, at which time he dropped the skateboard and the black object from his hands.

The suspect's violent struggle intensified and the suspect bent his upper torso in a crouched position while pulling his hands toward his waistband.

During the struggle, Deputy Forlano reached toward the suspect's waist area and pants' pocket area, at which time he felt the outline of a handgun in the suspect's right front pants' pocket. Deputy Forlano yelled out, "417. He's 417." He let go of the suspect with his right hand in order to broadcast emergency traffic and the suspect broke away from his grasp.

> **IAB Note:** 417 is a Radio Code, which means "Man with a Gun." The code 417 is used by The Los Angeles County Sheriff's Department and other law enforcement agencies.

The suspect displayed great determination during his struggle and Deputy Forlano believed the suspect wanted to pull out his handgun and kill one or both the deputies.

Simultaneously, Deputy Castellanos continued trying to hold the suspect but the suspect began to pull out this handgun. Deputy Castellanos let go of the suspect and pushed him away.

In fear for his safety and that of his partner's, Deputy Forlano fired 2-3 rounds at the suspect from his handgun from a distance of approximately 6- 8 feet.

The suspect immediately ran eastbound in the middle of Almanza Avenue from the location. As the suspect ran, he looked back as if to see where the deputies were. Deputy Forlano ran south to the south sidewalk and followed the suspect eastbound.

Deputy Forlano said he used the parked vehicles for cover as Deputy Castellanos ran eastbound on Almanza Avenue along the sides of parked vehicles on the south side of Almanza Avenue.

The suspect ran eastbound and began to slow down as he neared Miller Avenue. Just as the suspect ran southbound on Miller Avenue, he collapsed on the street.

Deputies Forlano and Castellanos detained the suspect at gun point until assisting units arrived and handcuffed the suspect.

Deputy Forlano said he did not hear any other shot fired besides the rounds he fired at the suspect.

> **IAB Note:** For the verbatim transcript of Deputy Forlano's detailed account of this incident, refer to Deputy Forlano's Transcribed Interview by the Internal Affairs Bureau.

Nicolas Castellanos:

Nicolas Catellanos, Deputy #[redacted], East Los Angeles Sheriff's Station, was interviewed on June 30, 2014 by Sergeant Jose J. Garcia and Sergeant Mark Lopez of the Internal Affairs Bureau. Deputy Castellanos was represented by Mitchell Kander of Green & Shine. The interview was conducted at the Internal Affairs Bureau and it was audio recorded. The following is a summary of the interview:

Deputy Castellanos said he was assigned to Unit 22,a two man crime car on the day of the incident on the EM shift. His partner that day was Deputy Forlano. Deputy Forlano was the driver and Deputy Castellanos was the bookman.

He said he and Deputy Forlano [redacted] and the two decided to assist in the call.

As they approached the area of the call, Unit 24 (Deputy Hanamaikai #[redacted] and Deputy Granados #[redacted]) advised that they were contacted by a resident who told them he saw a man with a gun. The man with a gun was described as a male Hispanic 20 years old, wearing gray t-shirt, riding a skateboard. The male was seen carrying a handgun in his hand. The assisting units began to search the area for the man with a gun.

Moments later, Unit 24 and Unit 23 (Deputy Sanchez #[redacted] and Deputy Sandoval #[redacted]) advised that they heard a gunshot in the area of John F. Kennedy School. Deputy Castellanos said he did not hear the shot.

Deputy Castellanos said Unit 23 directed Deputies Castellanos and Forlano to search the area of Hazard Avenue and Almanza Avenue for the man with a gun.

Deputies Castellanos and Deputy Forlano travelled southbound Hazard Avenue and approached Almanza Avenue.

They turned eastbound onto Almanza Avenue. Just as they turned the corner, Deputy Castellanos saw a male walking westbound on the north sidewalk of Almanza Avenue, approaching Hazard Avenue. Deputy Castellanos recognized that the male (Suspect Oliva –Sola) matched the description of the man with a gun and quickly communicated to Deputy Forlano his observation by saying, "Hey, I think that's going to be him."

Deputy Castellanos saw the suspect was carrying a skateboard in his left hand and a small black object in his right hand. He did not recognize the black object as a gun.

Deputy Castellanos stopped the radio car near the north curb line and the two deputies exited the radio car and stood at their open radio car door. They ordered the suspect at gunpoint to raise his hands and to drop his skateboard. The suspect ignored the deputies' repeated commands and continued to walk westbound closing the distance between he and the radio car.

Deputy Castellanos expressed his concern for his safety as he believed the suspect was armed with a firearm and did not want to go to jail.

Deputy Castellanos saw Deputy Forlano holster his handgun. Deputy Forlano approached the suspect and grabbed the suspect's left arm. Simultaneously, Deputy Castellanos also holstered his handgun, approached the suspect and grabbed his right arm. The suspect immediately began to struggle and ignored the deputies' commands to stop fighting.

Deputy Castellanos expressed his amazement at how strong the suspect became during the violent struggle. During the struggle Deputy Castellanos heard Deputy Forlano yell out, "He's 417!"

IAB Note: 417 is a Radio Code, which means "Man with a Gun." The code 417 is used by The Los Angeles County Sheriff's Department and other law enforcement agencies.

During the struggle, Deputy Castellanos noticed that the suspect was slowly reaching into his right front pants' pocket.

Deputy Castellanos saw Deputy Forlano let go of the suspect with one of his hands in an attempt to broadcast emergency radio traffic and the suspect broke away from Deputy Forlano's grasp.

Simultaneously, Deputy Castellanos grabbed the suspect's right hand, which was now inside his right pants' pocket.

As Deputy Castellanos grabbed the suspect's right hand from outside of the pocket, he felt the suspect had a grip on a handgun inside the pocket.

Deputy Castellanos pushed the suspect away and spun around to his left, away from the suspect. As he spun away, he heard 2-3 gunshots. He did not know who fired the shots at that moment.

Deputy Castellanos regained a visual of the suspect and saw him run eastbound Almanza Avenue. As the suspect ran, he looked back at Deputy Castellanos, while reaching for his waistband. Deputy Castellanos did not know if Deputy Forlano or the suspect were hit by gunfire at that time.

Deputy Castellanos believed the suspect was in possession of the gun and was going to use it against him or his partner. From a distance of approximately 20-30 feet, he fired twice at the suspect with his handgun.

He and Deputy Forlano followed the suspect eastbound Almanza Avenue from the area of the radio car. Deputy Forlano followed on the south sidewalk and Deputy Castellanos on the street near the parked vehicles on the south side of Almanza Avenue. Though the suspect ran at a full sprint away from the deputies, they followed him at a slow jog pace in order to keep a visual of the suspect for containment and officer safety purposes.

As he and Deputy Forlano followed the suspect, he heard Deputy Forlano broadcasting emergency traffic via his handheld radio.

The suspect turned onto southbound Miller Avenue and collapsed and no longer moved.

Deputies Castellanos and Forlano detained the suspect at gunpoint until assisting units arrived and handcuffed the suspect.

Deputy Castellanos said he returned to the area of the radio car in order to look for his flashlight which he dropped during the struggle. He saw his flashlight resting on the sidewalk against the fence to the school and also noticed a handgun on the ground near a skateboard, where the original struggle occurred.

Deputy Castellanos said he picked up the suspect's gun in order to render it safe, but quickly put the gun back down on the ground in order to preserve the crime scene.

IAB Note: For the verbatim transcript of Deputy Castellanos detailed account of this incident, refer to Deputy Castellanos Transcribed Interview by the Internal Affairs Bureau.

EMPLOYEE WITNESS STATEMENTS:

None

SUSPECT'S STATEMENT:

None (Deceased)